

FINALLY ARRANGE HILO FISHMARKET TROUBLE

Big Batch of Business Done at the Meeting of the Board of Health Yesterday—Doctors Get Leaves of Absence.

(From Thursday's daily.)

The Board of Health at yesterday's meeting decided once and for all to settle the trouble over the two Hilo Fishmarkets. The letter from Dr. Stow suggesting the appointment of a native as assistant fish inspector was favorably considered, though Dr. Mays and F. C. Smith both objected that as he was employed at one of the fishmarkets there was likely to arise some criticism. Dr. Stow was authorized to look into this before any final action is taken. A letter was also read from J. G. Serrao complaining that the wholesale fishmarket still charged ten per cent commission for inspecting fish. President Cooper stated that the board had already passed a regulation prohibiting such a charge, and was given permission to enforce it. Copies of the regulation are to be sent to the fishermen, the markets, the inspector and government physician, the latter to see that the rule is enforced.

The medical examiners reported favorably on the application of Dr. C. L. McLain for a license to practice and the report was adopted. Dr. McLain is to fill Dr. Sandow's place in his absence.

A petition was received from thirteen lepers who had been required to leave the Baldwin Home saying that they wanted to live in Kalawao instead of in Kalaupapa. Action was deferred until Supt. McVeigh can be present.

Leave of absence was granted to Dr. A. W. Sinclair from June 23rd to July 18, and Dr. W. L. Moore was selected to act in his absence as city physician.

Dr. Galbraith, physician in charge of the insane asylum was also granted leave of absence, and Dr. Peterson appointed to act during his absence. Dr. Mays declined the nomination at the hands of his fellow members.

Action was deferred on the application of Henry B. Wilkins to be appointed sanitary inspector at Lahaina as no appropriation has as yet been made.

S. K. Kane for the committee which is considering the request of the Board of Public Institutions for possession of the insane asylum was granted further time. He said there was a test case in the courts and the committee had not made up its mind as yet.

M. P. Robinson reported favorably upon the request for permission to establish drinking fountains in the city. Certain sanitary rules to be fixed by Inspector Keen are to be complied with.

M. P. Robinson also reported favorably on the application of Wong Leong to establish a fishmarket. He said he was doubtful of the propriety of granting so many permits of this kind but understood that W. C. Achi did not intend to establish a fishmarket.

Mr. Winston was of the opinion that all permits should be granted, so long as the sanitary laws were obeyed. Action was postponed to allow Dr. Cooper to investigate.

Dr. Mays reported on the government dispensary saying that the present building is worthless and recommending that the Public Works Department be asked to repair it immediately. An appropriation for a new building is in the loan bill but repairs are needed at once. The report was adopted.

E. C. Winston presented a petition from Lihue asking that Dr. Watt be made government physician, as the Koloa man only visited Lihue twice a week. Action was deferred until the petition to the Board of Health arrives.

The sanitary inspector of Hilo was granted permission to attend the regimental drill in Honolulu.

The following report was received from Dr. Cofer:

I have to report the health conditions in the Orient as follows: Yokohama, two weeks to May 15, 1903—Clean. Kobe, two weeks to May 12, 1903—Small-pox, cases 5; deaths, 0. Nagasaki, two weeks to May 10, 1903—Clean. Shanghai, two weeks to May 8, 1903—Small-pox cases, 0; deaths, 5. Hongkong, two weeks to May 5, 1903—Asiatic cholera, cases 2; deaths, 2. Small-pox (1 European—1 Chinese), cases, 2; deaths, 2. Plague, cases, 208; deaths, 183.

W. O. SMITH CHOICE OF HAWAIIAN BAR ASSOCIATION FOR PRESIDENT

(From Thursday's Daily.)

W. O. Smith was re-elected yesterday as president of the Hawaiian Bar Association, with J. L. Kaulukou as vice-president, John A. Matthewman, secretary, and C. R. Hemenway, treasurer.

The annual meeting was held at 3 p. m. in the assembly hall over Castle & Cooke's with Mr. Smith in the chair. At the hour mentioned it looked as if the annual meeting would have to be postponed to a later date, as there were only six members of the Association present. A liberal use of the telephone finally brought a quorum around, and the election of officers was proceeded with as above. The only changes are in the office of vice-president, S. K. Kane having been the incumbent last year, and that of the secretary which was formerly filled by Dan Case. Mr. Case has gone to Wailuku to take up a permanent residence, otherwise he would have been elected to the secretaryship for the third time.

The report of the treasurer for the past year was a gratifying document, inasmuch as a balance on hand of \$140 was reported. The receipts for the year were \$695, and the expenditures \$655. President Smith complimented Mr. Hemenway on the manner in which he had performed his duties saying that it was an unpleasant duty for him to dun the members for their dues, and he had also worn out considerable shoe leather in collecting the same.

Acting upon motion of a member, a letter of appreciation from the Association will be forwarded to Mr. Case by the new secretary. Avon H. Crook and Alexander Lindsay, Jr., were elected to membership.

The annual dinner of the Bar, which the by-laws state shall be held on Friday, May 29, was referred to by the president, but on motion of Attorney Vivas, who called attention to the hard times, which even the lawyers have experienced, so he alleged, the date for the giving of the dinner was left to the executive committee. Judge Hartwell expressed himself in favor of a plain dinner, a collation, where informality and not formality, would obtain. In support of this view he argued that the cost would be at a minimum, and everybody would have just as good a time at a plain dinner as at an expensive one.

A motion to change the by-laws so that the annual dinner will occur on the first Friday in October instead of the last Friday in May, was presented, as was also a motion to make a quorum nine members instead of fifteen. The motions will be voted on at the next regular meeting.

HIGH FEELING IN HOUSE OVER ITS EXPENSE MEASURE

Error in Title Causes Veto by the Governor on Technical Grounds.

(From Thursday's Daily.)

Whether or not the Legislature of Hawaii will be in a more completely mixed up condition today than it was last night, is a question which will be settled only by the action of the House this morning. When adjournment was forced yesterday afternoon, for the purpose of seeing if a night's rest would not cool down some of the hot tempers of members there was before the House the resignation of one member and five others were in the possession of the Speaker.

These were the result of the belief on the part of the members that they were being played with by the members of the upper house and the Governor; that they were to be held out of their pay and expenses until the upper body should see fit, and that the Hawaiians, which predominate in the lower body, were being misused generally by the majority of the Senate. Feeling ran high and wise counsels were cast aside in the heat of the moment. The House in its state of feeling might have accepted the resignation of Fernandez, and further might have gone into the matter of a practical abandonment of the work, but the necessity for thought was so apparent that all took the occasion to adjourn.

IN THE HOUSE.

When the House met there was read as the first communication, the following from High Sheriff Brown:

"I beg to call your attention, and to the attention of the honorable members of the House of Representatives of the Territory of Hawaii, that but \$1,200 has been appropriated in the Emergency Bill for civil and criminal incidents of the Attorney-General's Department.

"This amount is entirely insufficient to meet the incidental expenses of this department for the remaining portion of this present period. The unpaid bills against this appropriation for the month of April amount to \$1,008.23, and it is safe to presume that the bills for May will equal, if not exceed, this amount.

"I would therefore respectfully suggest that an item of \$1,800 be appropriated for unpaid bills of this department. This amount, together with the \$1,200 passed in the Emergency Bill, would make up the amount of \$3,000, asked for by the Attorney-General to be inserted in the Emergency Bill."

HOUSE EXPENSE BILL VETOED.

The following message containing the veto of the Governor of the amended House expense bill, was next read:

"A Message to the Legislature of Hawaii.

"I am unable to approve of a Bill entitled 'An Act to appropriate money for the purpose of defraying the expenses of the Extra Session of the House of Representatives of the Territory of Hawaii of the Year 1903, from the Public Treasury,' received from the Legislature on May 26th, and return the same herewith without my signature.

"My objections to this Bill are as follows:

"Section 1 of the act appropriates money for defraying the expenses of the Extra Session of the House of Representatives of the Territory of Hawaii of the Year 1903.

"While the Senate may sit in special session, an extra or special session of the House is unknown to the law.

"SANSFORD B. DOLE, Governor."

"Executive Chamber, Territory of Hawaii, May 27th, 1903."

WANT TO OVERRIDE IT.

When the message had been read the storm broke. Heatedly Paele moved to override the veto of the Governor. Harris maintained that if the grounds of the Governor were well taken, then the title of the bill should be changed and everything made regular.

Kuphea seconded the motion of Paele and Paele again got the floor and with heat declared that the veto should be overridden, and then if the Senate should not agree with the House, the only thing to be done was that the members should go home, leave the work of the people, because there is no money to meet the expenses.

Chillingworth said that the members should remember that the Governor has made no objection to the amount, simply that there was a technical defect in the wording; therefore the only thing to be done was to make it right.

BECKLEY SECURES REFERENCE.

Speaker Beckley here said that the veto of the Governor was a proper one, as the bill now involves a technical question in title. He said that he had been informed that the Senate had referred the veto to its Judiciary Committee, and he would suggest that the same disposition be made here. The Senate committee was to meet at 2 o'clock and the two committees might meet together and thus decide what is necessary.

This statement calmed the House and Kuphea moved that the reference to the Judiciary Committee be made, which was done.

Fernandez excitedly moved that the House adjourn for three days so that the committee could report. He said it was all nonsense for the Governor to think that the Representatives were here to work and live on wind. He was ruled out of order however and con-

tinued to tell those around him how he wanted to show his feeling toward the Governor and how ridiculous the whole thing was.

SENATE MESSAGE SENT BACK.

Speaker Beckley called for the regular order which was the reading of the Senate message returning House Bill No. 3, being the six months' current appropriation bill, which now carries \$1,219,448.87.

When the list of changes was read Kuphea moved to send the communication back to the Senate as an important provision which was passed by the Senate was omitted from the communication. This was done. The House then took a recess to 2 o'clock.

JUDICIARY COMMITTEE'S REPORT.

Immediately upon reconvening Chairman Andrade said that the Judiciary Committee was ready to report but because of the short time had no opportunity to prepare a written report. Under suspension of the rules Andrade then made his report verbally:

"Your Committee on Judiciary, to which was referred House Bill No. 1 and the Governor's message returning the same without his approval, has had the same under consideration and begs to report thereupon as follows: Your committee finds that the bill as passed is defective, and that the Governor's message thereupon is in accordance with the law.

"Your committee has taken upon itself to draft a new bill, with the same objects and purposes, and herewith submits the same. Your committee therefore recommends that the message of the Governor be accepted and that the bill submitted be acted upon at once."

PAELE FINDS FAULT.

Paele explained that the two committees met but that Senator Achi made the point that they could not sit in conference, but as separate bodies. He gave as his personal opinion that the Governor's veto should be overridden, and then the House could do as it thought best about passing another bill. This would put the matter up to the Senate, which took the measure and amended it but let it go through without being amended in the matter of the title which is now declared defective. For that reason the Senate should override the veto.

KANIHO READY TO RESIGN.

Kaniho supported Paele's plan to override in a long speech. In its course he called attention to the fact that the expense bill for the regular session had been signed and said that many bills, with items for expense illegally incurred in them, had been passed upon the House by the Governor. He said: "I am ready to vacate my seat and resign from the Legislature. Not on account of any feeling but because we cannot stay here and expect the officials of this House to serve us without having their pay. It will take six days to pass a bill and the Governor will take ten days and the end of the session will come and we will have worked in vain. We should override the veto and if the Senate will not do likewise, then it will be time enough for us to vacate our seats in the House." He said also that he had heard that the reason for it all was to force the passage of the salaries bill and then leave the House without salaries.

Chillingworth ably argued for the passage of a legal bill, saying this one would be ineffective. He declared threats of leaving the House and said such arguments should not be made. Kuphea said he supported Paele and Kellinui tried to bring the members to their senses but he could not and gave it up.

KUMALAE OFF THE TRACK.

Kumalae went off on a tangent declaring that the Governor had no right to call an extra session but only a special session. The chair promptly called him down by reference to the right section. Kumalae called attention to what he deemed an illegal act of the Governor in appointing the code commission saying the bill called for one Hawaiian and the Governor had appointed three white men. He declared that the Governor controlled the Senate and that body did what furnished an excuse for the veto of the bill. The cause of it all was that the Senate hoped to cause the House to suffer hunger and thus be forced to pass the appropriation bills. The House, he said, represented the people and should stand up for the rights of the people.

Andrade forcefully argued, saying he talked to the House and not to the gallery, that the title of the bill was for expenses of the "extra session of the House," whereas there was no provision for an extra session of the House in the Organic Act. He showed that there could be no money drawn from the treasury under it, for the treasurer could not legally pay out any money. Pulaa spoke at length, his remarks not being translated in full, but their tenor being that of Kaniho's speech.

REPORT IS ACCEPTED.

Immediately following this the question was put on the adoption of the report of the Judiciary Committee, and the call of the roll resulted as follows:

Ayes—Andrade, Aylett, Chillingworth, Gandall, Greenwell, Hala, Harrie, Jaeger, Kalama, Kellinui, Knudsen, Lewis, Nakaleka, Pali, Vida, 15. Nays—Damiana, Fernandez, Kalli, Kaniho, Kealawana, Kou, Kumalae, Kuphea, Oili, Paele, Pulaa, Purdy, 12.

JURY FREES PAT MURPHY, THE MAN FROM MAKUA

Decides That He Did Not Kill Joe Perry—A Divorce Refused—Wright Estate Case Arguments.

(From Thursday's daily.)

"We the jury in the above entitled cause find the defendant not guilty, Chas. Girdler, Foreman."

With the above verdict delivered to Judge Robinson at 5:25 yesterday afternoon Pat Murphy stepped from the court room a free man, after standing in the shadow of death with a charge of murder hanging over him for two months. Murphy took the verdict of the jury without emotion. He is a rather patient appearing Irishman, and aside from nervously pacing the floor during the intermissions at his trial, has never shown that he was much disturbed by the charge, that he had killed Joe Perry.

The jury listened to arguments from yesterday morning at nine o'clock to four o'clock in the afternoon. Both Mr. Peters, Mr. Robertson and Mr. Hogan addressed the jurors at length. The jury retired at 4:15 o'clock and in exactly one hour had agreed upon a verdict.

DIVORCE IS REFUSED.

Judge Gear yesterday refused to grant a divorce to Mrs. Emily C. Williams from Ed. Williams. She asked for it on the ground that he did not support her, and because he was addicted to drink. The case was postponed to allow further evidence to be introduced by the plaintiff; Judge Gear holding that it had been insufficient so far. The court intimated that the whole trouble seemed to be that defendant had started in the undertaking business in opposition to his wife. Mrs. Williams testified that her husband didn't know anything about the business until she married him, and then said anyone could be an undertaker, it didn't require much knowledge.

THE WRIGHT CASE.

The John Wright estate matter was again before Judge Gear yesterday. C. F. Peterson objected to the appointment of F. Wundenberg as executor saying that he was a sister of Mrs. Anna Wright who had a claim against the estate which Wundenberg might be influenced to decide in her favor because of the relationship. Judge Gear took the matter under advisement.

THE YIM QUON CASE.

Judge De Bolt began yesterday the hearing of the case of Yim Quon charged with forgery. A motion to quash the indictment is being argued.

COURT NOTES.

The Henry Waterhouse Trust Co. yesterday tendered its resignation as trustee in the case of Silva vs. Silva.

J. A. Cummins yesterday asked the court to legalize the adoption of Lee Lorillard Cummins, the daughter of Mrs. Kapeka Merseberg Cummins to whom he is married. The petition was granted.

PHARMACY NOMINATIONS CONFIRMED.

The following message was received from the Governor:

"A Message to the Senate of the Territory of Hawaii:

"In accordance with the provisions of Act 70 of the Session Laws of 1903, entitled 'An Act to Regulate the Practice of Pharmacy and the Selling, Compounding and Dispensing of Drugs, Chemicals and Poisons in the Territory of Hawaii,' I hereby submit for your consideration and action the following nominations:

"Board of Pharmacy—Mr. R. B. Reedy, Doctor W. E. Taylor, Mr. Samuel S. Peck.

"SANSFORD B. DOLE, Governor."

"Executive Chamber, Territory of Hawaii, May 27th, 1903."

Senator Baldwin said the appointees were all good men, recommended by the pharmacists and moved that the nominations be confirmed. Approved unanimously.

Senator McCandless moved a recess until afternoon saying the House was without money and something should be done. Carried.

AFTERNOON SESSION.

A communication was received from the House stating that an error had been made in the six months current appropriation bill which President Crabbe explained had since been corrected.

Senator Achi reported for the Judiciary Committee that it had been decided to offer a new measure to cover the Governor's objections to the House expense bill. As to the unpaid bills he reported that the \$7,000 was wanted for paying for the printing of the journal, and that as the expense had not yet been incurred this could not be called an unpaid bill.

"I don't understand," said Senator Baldwin, "when we had this matter up before the House wanted \$7,500 for printing the journals of both the regular and special session. Now they want \$7,000 for just the one journal."

Senator Achi said the journal was to be translated and printed in both languages.

The new bill introduced by the Judiciary Committee to appropriate \$13,000 for House expenses passed first reading.

Senator Baldwin moved that the veto be first considered but Achi objected and raised the point of order that the bill was now before the House and not in the Senate. The chair sustained the objection and action was deferred until Friday upon the veto.

Senator Dickey moved to take the eighteen months current appropriation bill from the table. McCandless objected that it would be a waste of time as the House has changed it materially since the Senate passed it in regular session. The agreement was to let the House pass this bill. Senator Baldwin suggested that the bill had better be typewritten for the convenience of the members. Senator Kalauokalani moved to have the bill printed.

"The only point is," said Senator Achi, "if you want to have the bill considered tomorrow it will have to be typewritten, if you allow further time then it can be printed."

"It can be printed for use tomorrow," said McCandless.

"No, it can't," said Isenberg.

"Yes, it can," insisted McCandless.

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